

Notice of Allowability**Application No.**

10/594,828

Applicant(s)

OPOLKA, RAINER

Examiner

Y M. Lee

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/2008.
2. ☒ The allowed claim(s) is/are 23,29,30,32-36,39-42 and 44.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 08/26/08.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Y M. Lee/
Primary Examiner, Art Unit 2885

Art Unit: 2885

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew Wilford on August 25, 2008.

In the Claims:

Claim 23. Line 13, "plug" has been changed to --jack--.

Line 14, "jack" has been changed to --plug--; "plug" has been changed to --jack--.

Claim 25 has been cancelled.

Claim 42. Line 6, before "project", --thereby-- has been inserted.

Line 15, "on" has been changed to --relative to--.

In the Specification:

Page 15. Line 13, "14" has been changed to --24--.

In the Drawing:

Figure 2. A double arrow heads has been inserted at the right angle where reference numeral 13 is pointing at to define the pivotal movement of the mirror relative to the housing. A correct drawing figure 2 as replacement sheet must be submitted to avoid the abandonment of the application.

2. The following is an examiner's statement of reasons for allowance:

Claim 23 is allowed because the prior art whether individual or taken as a whole does not teach wiring connected between the package switch and the circuit of the flashlight such that the package switch is actuable to energize the light source, the wiring connecting the package switch in parallel to the housing switch of the flashlight and releasable means including a jack on the housing and a plug connected to the wiring and releasably engaged in the jack in combination with other features as claimed in claim 23. Claims 29 and 30 depend on allowed claim 23 and as such are also allowed.

Claim 32 is allowed because the prior art whether individual or taken as a whole does not teach an annular spring surrounding the housing inside the packaging material at the switch and

Art Unit: 2885

elastically compressible through the packaging material to engage and depress the housing switch of the flashlight into only the first position in combination with other features as claimed in claim 32. Claims 33 to 35 further limit claim 32 and as such are also allowed.

Claim 36 is allowed because the prior art whether individual or taken as a whole does not teach a string, a lever or a rod outside of the housing of the flashlight and extending between the packaging material and the switch of the housing and actuatable by deflection of the packaging material in the region only to shift the switch of the housing into the first position in combination with other features as claimed in claim 36. Claims 39 to 41 further limit claim 36 and as such are also allowed.

Claim 42 is allowed because the prior art whether individual or taken as a whole does not teach means including a body pivotal relative to the housing of the flashlight and in alignment with the light output opening of the housing for deflecting, reflecting or refracting light emitted by the light source of the flashlight in combination with other features as claimed in claim 42.

Claim 44 depends on allowed claim 42 and as such is also allowed.

Yu is cited to show a packaging material (12, 14, 16) enclosing a flashlight (F) and elastically deformable (22) in a region of a switch (S) of the flashlight to depress the switch to allow at least temporary activation of a light source (L) of the flashlight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
August 25, 2008

/Y M. Lee/
Primary Examiner, Art Unit 2885